

REMARKS

Claims 1-24 are pending in this application. Claims 1, 20, 23 and 24 are independent.

Claim 24 is allowed. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant wishes to take this opportunity to thank the Examiner for the indication of allowable subject matter.

By this amendment, Applicant has amended claims 1-5, 7-10, 15 and 20-22, has canceled claims 6, 16, 17, 19 and 23 without prejudice or disclaimer, and has added new claims 25-30.

No new matter has been introduced as a result of this Amendment. Applicant respectfully requests reconsideration of the currently pending claims in view of the foregoing amendments and the following remarks.

Objections to the Drawings:

The Office Action provides, in ¶1 thereof, that the drawings are objected to because FIGS. 1-3, 5-7 and 9-11 lack descriptive labels. Applicant is submitting herewith replacement sheets for FIGS. 1-3, 5-7 and 9-11 adding text as appropriate. Accordingly, Applicant respectfully requests that the objections to the drawings and, in particular, FIGS. 1-3, 5-7 and 9-11 be withdrawn.

Objections to the Specification:

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. (Office Action, ¶2)

In particular, the specification allegedly fails to provide support for “a computer readable medium comprising program code” as recited in claim 18. Applicant has amended the specification in that regard, and thus, respectfully requests that the objection of the specification vis-à-vis claim 18 be withdrawn.

Also, the Office Action maintains that the specification allegedly does not provide support for “carrier medium carrying the computer executable program” as recited in claim 19. Applicant has cancelled claim 19, and thus, respectfully requests that the objection be withdrawn.

Objections to the Claims:

Claims 10, 17 and 18 have been objected to because of various informalities.
(Office Action, ¶3)

Applicant has amended claim 10 and cancelled claim 18 in that regard, and thus, respectfully requests that the objections be withdrawn.

Rejections Under 35 U.S.C. §112, ¶1:

Claim 15 has been rejected under 35 U.S.C. §112, ¶1, “because the specification, while being enabling for ‘a microprocessor means, a memory means, and a software means for carrying out the operations of OFDM signal receiver,’ does not reasonably provide enablement for ‘data processing system comprising means for carrying out the method of claim 1.’” (Office Action, ¶4) In particular, the Office Action maintains that “[c]laim 15 is a single means claim ... [that] covers every conceivable means for achieving the stated purpose, which is held non-enabling for the scope of the claim because the specification disclosed only those means known to the inventor.” (Id.)

Applicant has amended claim 15 in that regard, and thus, respectfully requests that the rejection thereof be withdrawn.

Rejections Under 35 U.S.C. §101:

Claims 16, 17 and 19 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. (Office Action, ¶5)

Applicant has cancelled claims 16, 17 and 19, and thus, respectfully requests that the rejections be withdrawn.

Rejections Under 35 U.S.C. §102(b):

Claims 1-3, 7-12, 14, 15 and 20-23 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Foxcroft (WO 01/69878 01).

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Foxcroft in view of Xu et al. (US Publication 2003/0026257).

Claims 16-19 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Foxcroft in view of Atungsiri et al. (US Publication 2003/0016773 A1).

Claims 1, 20 and 23 are independent.

Applicant has cancelled claim 23.

Applicant has amended claim 1 to include the feature of “wherein the selecting is based on an energy ratio between energy sample inside the estimated guard interval position and energy sample outside the estimated guard interval position”, which was previously found in claim 6 (cancelled herein) and identified in the Office Action as allowable subject matter. (See Office Action, ¶9)

Accordingly, Applicant respectfully submits that claim 1, as amended, is now allowable.

Claim 20 have been amended to include features similar to those found in amended claim 1.

Accordingly, Applicant respectfully submits that claim 20, as amended, is allowable for at least the same reasons as set forth above in urging the allowance of amended claim 1.

New Claims:

Applicant has added new claims 25-30.

Claims 25, 27, and 29 contain features similar to those identified in the Office Action as allowable with respect to claim 4. (See Office Action, ¶9) Claims 26, 28, and 30 contain features similar to those identified in the Office Action as allowable with respect to claim 5. (Id.) Accordingly, Applicant respectfully submits that new claims 25-30 are allowable for at least the same reasons.

Dependent Claims:

Applicant does not believe it necessary at this time to address the rejections of the dependent claims as Applicant believes that the foregoing places the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

CONCLUSION

Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided..

AUTHORIZATION

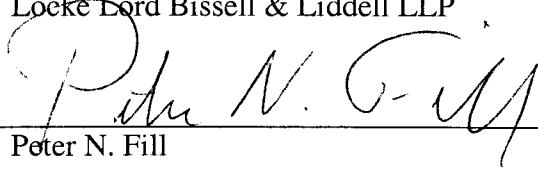
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 4208-4292.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 4208-4292.

Respectfully submitted,
Locke Lord Bissell & Liddell LLP

Dated: March 24, 2009

By: _____


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